

Nos. 22-13992 & 22-13994

**In the United States Court of
Appeals for the Eleventh Circuit**

LEROY PERNELL, ET AL.,
Plaintiffs–Appellees,

v.

BRIAN LAMB, ET AL.,
Defendants–Appellants.

ADRIANA NOVOA, ET AL.,
Plaintiffs–Appellees,

v.

MANNY DIAZ, JR., ET AL.,
Defendants–Appellants.

MOTION FOR LEAVE TO EXCEED WORD COUNT

ON APPEAL FROM THE
UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
Nos. 4:22-CV-304-MW-MAF & 4:22-CV-324-MW-MAF

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Counsel for Defendants–Appellants

**CERTIFICATE OF INTERESTED PERSONS AND
CORPORATE DISCLOSURE STATEMENT**

Defendants-Appellants certify that the following is a complete list of interested persons as required by Federal Rule of Appellate Procedure 26.1 and Eleventh Circuit Rule 26.1:

1. Almond, Russell, *Plaintiff-Appellee*
2. American Civil Liberties Union of Florida, *Attorney for Plaintiffs-Appellees*
3. American Civil Liberties Union of New York, *Attorney for Plaintiffs-Appellees*
4. Austin, Sharon Wright, *Plaintiff-Appellee*
5. Azis, Jacqueline Nicole, *Attorney for Plaintiffs-Appellees*
6. Ballard Spahr LLP, *Attorneys for Plaintiffs-Appellees*
7. Blankenship, Katherine, *Attorney for Plaintiffs-Appellees*
8. Boaz, Timothy, *Defendant-Appellant*
9. Callahan, Sandra, *Defendant-Appellant*
10. Carrere, Michael, *Defendant-Appellant*
11. Cerio, Timothy, *Defendant-Appellant*
12. Coleman, Santino, *Attorney for Plaintiffs-Appellees*
13. Cooper & Kirk, PLLC, *Attorneys for Defendants-Appellants*
14. Cooper, Charles J., *Attorney for Defendants-Appellants*

15. Corcoran, Richard, *Defendant-Appellant*
16. Dauphin, Johana, *Plaintiff-Appellee*
17. Diaz, Jr., Manny, *Defendant-Appellant*
18. Donnelly, N. Rogan, *Defendant-Appellant*
19. Dorsey, Dana Thompson, *Plaintiff-Appellee*
20. Dunn, Marvin, *Plaintiff-Appellee*
21. Edge, Aubrey, *Defendant-Appellant*
22. Edinger, Gary, *Attorney for Plaintiffs-Appellees*
23. Edwards, Jerry Crawford, *Attorney for Plaintiffs-Appellees*
24. Fajana, Morenike, *Attorney for Plaintiffs-Appellees*
25. First Amendment Forum at University of South Florida, *Plaintiff-Appellee*
26. Fitzpatrick, Magistrate Judge Martin A., U.S. District Court for the Northern District of Florida
27. Florida A&M University Board of Trustees, *Defendant (Dismissed on Nov. 22, 2022)*
28. Florida Board of Governors of the State University System, *Defendant (Dismissed on Nov. 22, 2022)*
29. Florida International University Board of Trustees, *Defendant (Dismissed on Nov. 22, 2022)*

30. Florida State University Board of Trustees, *Defendant (Dismissed on Nov. 22, 2022)*
31. Foundation for Individual Rights and Expression, *Attorney for Plaintiffs-Appellees*
32. Frost, Patricia, *Defendant-Appellant*
33. Gabadage, Nimna, *Defendant-Appellant*
34. Gary S. Edinger & Associates PA - Ganesville FL, *Attorney for Plaintiffs-Appellees*
35. Greubel, Greg, *Attorney for Plaintiffs-Appellees*
36. Griffin, Michael, *Defendant-Appellant*
37. Haddock, Edward, *Defendant-Appellant*
38. Hinger, Sarah Ann, *Attorney for Plaintiffs-Appellees*
39. Horton, Oscar, *Defendant-Appellant*
40. Johnson, Alexsis Marie, *Attorney for Plaintiffs-Appellees*
41. Jones, Ken, *Defendant-Appellant*
42. Jordan, Darlene Luccio, *Defendant-Appellant*
43. Lamb, Brian, *Defendant-Appellant*
44. Leckerman, Jason Allen, *Attorney for Plaintiffs-Appellees*
45. Lee, Jin Hee, *Attorney for Plaintiffs-Appellees*
46. Leftheris, Julie, *Defendant-Appellant*

47. Levine, Alan, *Defendant-Appellant*
48. Lydecker, Charles, *Defendant-Appellant*
49. Mabatah, Isiuwa Jacqueline, *Attorney for Plaintiffs-Appellees*
50. Mateer, Craig, *Defendant-Appellant*
51. McNamara, Caroline A., *Attorney for Plaintiffs-Appellees*
52. Michael, Deanna, *Defendant-Appellant*
53. Monbarren, Lauran, *Defendant-Appellant*
54. Moraff, Laura Beth, *Attorney for Plaintiffs-Appellees*
55. Morris, Joshua, *Attorney for Plaintiffs-Appellees*
56. NAACP Legal Defense & Education Fund, *Attorneys for Plaintiffs-Appellees*
57. Nascimento, Isabella Salomao, *Attorney for Plaintiffs-Appellees*
58. Novoa, Adriana, *Plaintiff-Appellee*
59. Ohlendorf, John David, *Attorney for Defendants-Appellants*
60. Palyam, Nithin, *Defendant-Appellant*
61. Park, Shelley, *Plaintiff-Appellee*
62. Patel, Shilen, *Defendant-Appellant*
63. Pernell, Leroy, *Plaintiff-Appellee*
64. Piccolo, Fredrick, *Defendant-Appellant*
65. Ramer, John, *Attorney for Defendants-Appellants*

66. Reчек, Samuel, *Plaintiff-Appellee*
67. Sandoval, Jennifer, *Plaintiff-Appellee*
68. Schneider, Jenifer, *Defendant-Appellant*
69. Scott, Steven, *Defendant-Appellant*
70. Seixas, Melissa, *Defendant-Appellant*
71. Self, William, *Defendant-Appellant*
72. Silagy, Eric, *Defendant-Appellant*
73. Steinbaugh, Adam, *Attorney for Plaintiffs-Appellees*
74. Stermon, Kent, *Defendant-Appellant*
75. Sykes, Emerson James, *Attorney for Plaintiffs-Appellees*
76. Tilley, Daniel Boaz, *Attorney for Plaintiffs-Appellees*
77. Tobin, Charles David, *Attorney for Plaintiffs-Appellees*
78. University of Central Florida Board of Trustees, *Defendant (Dismissed on Nov. 22, 2022)*
79. University of Florida Board of Trustees, *Defendant (Dismissed on Nov. 22, 2022)*
80. University of South Florida Board of Trustees, *Defendant (Dismissed on Nov. 22, 2022)*
81. Walker, Judge Mark E., U.S. District Court for the Northern District of Florida

82. Watson, Leah Monique, *Attorney for Plaintiffs-Appellees*

83. Weatherford, William, *Defendant-Appellant*

84. Wold, Megan M., *Attorney for Defendants-Appellants*

Apart from undisclosed members of Appellees, no publicly traded company or corporation has an interest in the outcome of this case or appeal.

Dated: December 5, 2022

Respectfully submitted,

/s/Charles J. Cooper
Charles J. Cooper

Counsel for Defendant-Appellants

MOTION FOR LEAVE TO EXCEED WORD LIMIT

Pursuant to Federal Rule of Appellate Procedure 27(d)(2), Defendants-Appellants hereby respectfully request permission to exceed the 5,200-word limit for their motion seeking a stay of the district court's preliminary injunction against enforcement of the State of Florida's Individual Freedom Act. This stay motion involves a matter of considerable importance to the State of Florida: whether the State's elected officials may lawfully regulate the in-class instruction provided by state-employed educators in state-university classrooms. The district court's opinion and order enjoining enforcement of the Act spans 139 pages and addresses multiple important legal issues.

Defendants-Appellants have endeavored to be concise, but the constraints of the standard word limit will not permit Defendants-Appellants adequately to address the district court's decisions regarding significant questions of Article III standing, the First Amendment's application to government speech, and the Due Process Clause's vagueness doctrine. Defendants-Appellants respectfully submit that the additional requested words will aid the Court's consideration of their motion to stay the district court's preliminary injunction. Accordingly, Defendants-Appellants respectfully request to file a stay motion of up to 10,000 words.

Defendants-Appellants have sought the position of Plaintiffs-Appellees with respect to this motion. The Plaintiffs-Appellees in *Novoa* (No. 22-13994) consent to

this motion. The Plaintiffs-Appellees in *Pernell* (No. 22-13992) consented only to 8,500 words.

Dated: December 5, 2022

Respectfully submitted,
/s/ Charles J. Cooper
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Counsel for Defendants-Appellants

CERTIFICATE OF COMPLIANCE

I hereby certify that this motion complies with the type-volume limitations of Fed. R. App. P. 27(d)(2)(A) because this motion contains 208 words, excluding accompanying documents authorized by Fed. R. App. P. 27(a)(2)(B).

This motion complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type style requirements of Fed. R. App. P. 32(a)(6) because this motion has been prepared in a proportionately spaced typeface using Microsoft Word for Office 365 in 14-point Times New Roman font.

Dated: December 5, 2022

s/ Charles J. Cooper

Charles J. Cooper

Counsel for Defendants- Appellants

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of Court for the United States Court of Appeals for the Eleventh Circuit by using the appellate CM/ECF system on December 5, 2022. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

Dated: December 5, 2022

s/ Charles J. Cooper

Charles J. Cooper

Counsel for Defendants- Appellants